

REMARKS

Applicants respectfully solicit favorable reconsideration.

Claims 17-22 and 45-76 are presented. In claim 17 and claim 53 the second mixture is defined using the transition “consisting essentially of”, in claim 19 and in claim 55 a “preferably” clause is deleted, and new claims 75 and 76 respectively recite the preferable cereals formerly recited in claims 19 and 55.

Applicants acknowledge the Examiner’s careful consideration of their application and their prior response. Applicants appreciate the Examiner’s reconsideration of prior rejections as set forth in the Office Action, page 2, first paragraph.

Applicants courteously traverse the remaining rejection under 35 U.S.C. §103 over the Budd reference. Applicants courteously submit their claims 17-22 and 45-74 (and new claims 75-76) each defines an unobvious invention over the prior art. Applicants respectfully request the Examiner to reconsider and withdraw the rejection of these claims over the Budd reference.

It is courteously submitted that the Budd reference is an inadequate means for rejecting the claims under 35 U.S.C. §103 for the reasons discussed in Applicants’ prior response, and such prior traverse is relied upon herein. Applicants additionally note the various inadequacies in Budd that necessitated its combination with secondary references in the prior Office Action, and point out that such inadequacies surely remain since the secondary references have not been applied in the present Office Action.

Moreover, the Budd reference is replete with explicit directions to use a sweetness suppressor. *See, e.g.*, Budd et al., column 2, lines 11-14, 30, 34-35; column 3, lines 25-34 and line 66 to column 4, line 11; Example I, column 5, line 58; Example II, column 6,

lines 19-20; Example III, column 6, lines 39-40; Example IV, column 7, line 1; Example V, column 7, lines 19-20; Claim 1, column 7, lines 35-38; Claim 16, column 8, lines 20-21; Claim 24, column 8, line 64; Claim 30, column 9, lines 24-25; and Claim 36, column 10, lines 16-17.

In contrast, Applicants no requirement for the sweetness suppressor as described in Budd. Applicants' independent claims 17 and 53 therefore recite the second mixture ingredients using the transition consisting essentially of to thereby exclude such unnecessary ingredient, which exclusion is the antithesis of what Budd dictates. (Under recent judicial pronouncements, teaching away signifies unobviousness.)

Applicants respectfully request favorable reconsideration followed by Notice of Allowance. If the Examiner has any questions, please contact Applicants' legal representative.

Respectfully submitted,

Fitch, Even, Tabin & Flannery



Kendrew H. Colton
Registration No. 30,368
Tel: (202) 419-7000
Fax: (202) 419-7007

Date: May 30, 2007

***OFFICIAL CORRESPONDENCE TO
Customer No. 42798***

FITCH, EVEN, TABIN & FLANNERY
One Lafayette Centre
1120 20th St. NW
Suite 750 South
Washington, D.C. 20036